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EPA Region 5 Records Ctr.



200141

PUBLIC MEETING
REGARDING THE
PROPOSED RECORD OF DECISION
for the
HIMCO DUMP SUPERFUND SITE
Elkhart, Indiana

7:00 p.m.
October 6, 1992
City Council Chambers
229 South Second Street
Elkhart, Indiana

CITY

The above proceedings were recorded and
transcribed by M. Kay Dornburg, Court Reporter and
duly commissioned officer of the State of Indiana.



Olmsted & Associates

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1 APPEARANCES:

2
3 Dave Novak,
4 U.S. EPA
5 Community Relations Coordinator

6 Jim Smith,
7 IDEM
8 State Project Manager

9 Mary Elaine Gustafson,
10 Remedial Project Manager
11 U.S. EPA

AGENDA

Welcome and Introduction

Dave Novak, U.S. EPA
Moderator

Role of the Indiana Department
of Environmental Management (IDEM)

Jim Smith,
IDEM

Explanation of Proposed Record
of Decision Amendment

Mary Elaine Gustafson,
U.S. EPA

Questions & Answers
&
Public Comments

Dave Novak, U.S. EPA
Moderator

1 PUBLIC MEETING
2 regarding the
3 PROPOSED RECORD OF DECISION
4 for the
5 HIMCO DUMP SUPERFUND SITE
6 Elkhart, Indiana
7 October 6, 1992

8
9 DAVE NOVAK:

10 I'm Dave Novak with Region 5 of the EPA
11 in Chicago. I'm the Community Relations
12 Coordinator.

13 Is this loud enough, or do we need the
14 microphone? If there is any point during the
15 evening that you can't hear one of the speakers, let
16 us know.

17 What we're here tonight here for -- I'll
18 run over some of the guidelines and how it will run
19 and who some of the players are from EPA and the
20 State of Indiana.

21 Like I say, I'm Dave Novak, the Community
22 Relations Coordinator.

23 And we will also have Mr. Jim Smith from
24 the Indiana Department of Environmental Management.
25 He will present the Indiana side.

1 And we have Mary Elaine Gustafson who is
2 the EPA Project Manager. She will tell you what the
3 proposed remedy is for the site, and we'll have some
4 discussion.

5 And as we go along this evening, while
6 they are making their presentations, you can ask
7 your questions at their discretion while they're
8 talking.

9 After all the questions and after the
10 presentations, we will make a definite distinction
11 between comments.

12 We have a court reporter here to record
13 everything that happens here tonight for the record.
14 And when you give a comment, we would ask that you
15 speak distinctly. And if you have an unusual
16 spelling of your name, let us know that. And if the
17 court reporter has a problem, she will let you know
18 if she can't hear.

19 So, we have quite a few handouts in the
20 back. With them, you can kind of follow along some
21 of the things as we're going through.

22 One of the things that we do have -- and
23 this is a test. This is the first time we're using
24 this. We would like to know after the meeting what
25 you think of this kind of comparison chart.

1 Mary Elaine will go through the nine
2 criteria and how they stack up. This is like, I
3 guess, in USA Today they come out with these little
4 graphs -- good, better, best.

5 So, let me know after the meeting what you
6 think of this type of a grading system on that.

7 Most of you should have gotten in the mail
8 a Fact Sheet. You can follow along. There may be
9 some terms in here that you don't quite understand.
10 In the back of the Fact Sheet there is a glossary
11 that might be able to clear things up just a little
12 bit for you.

13 In finer detail, there is also the
14 proposed plan; and this is what Mary Elaine will be
15 talking about tonight. There are copies of these in
16 the back. You're welcome to take one of these.
17 And, again, if you have one, you can maybe follow
18 along a little bit closer on that.

19 And then there is some other material on
20 repositories.

21 All the information that will be presented
22 tonight is in great detail at both libraries in
23 town, both the Pierre Moran Library and at the main
24 library just catty-corner across the street.

25 It goes through everything up until the

1 documents that we'll be talking about tonight.
2 You're welcome to go look at the materials and copy
3 it.

4 I would ask, however, that the materials
5 outside, especially the sign-in sheet -- those names
6 and addresses on that sign-in sheet are protected by
7 the Privacy Act. If you do desire a copy of it, we
8 would ask that you send a letter to our office under
9 the Freedom of Information Act requesting them.

10 So, I would appreciate it if we didn't
11 violate the Privacy Act on that particular note.

12 Before we get started, if you haven't been
13 following along this process from its entirety,
14 we're going to be talking about something known as
15 the Superfund. And that is the Comprehensive
16 Environmental Response, Compensation and Liability
17 Act, known as CERCLA, that started back in December
18 of 1980.

19 And that was a program to investigate the
20 clean-up of actual and potential releases of
21 hazardous substances at sites throughout the United
22 States.

23 Now, in 1986, Congress reauthorized the
24 law under the Superfund Amendments and
25 Reauthorization Act, known as SARA. And it took a

1 fund from \$1.6 billion up to \$8.5 billion. So you
2 can see that the Superfund process and the clean-up
3 process across the United States is growing. And
4 it's up for renewal, I believe it's next year, 1994.

5 It involves several steps after a
6 potential site is initially identified. There is
7 preliminary inspection. It's either conducted by
8 U.S. EPA or the State agency. It's evaluated for
9 its potential impact on human health and the
10 environment.

11 And if they find that the site poses a
12 serious enough threat to the community, it's placed
13 on what we call the National Priorities List.
14 That's a roster of the nation's worst hazardous
15 sites.

16 And the site that we'll be talking about
17 this evening, the Himco Dump site, was first
18 proposed in 1988 to be put on the NPL and designated
19 an actual site in 1990.

20 At some time after the site is placed on
21 the NPL, EPA plans and conducts a Remedial
22 Investigation. You'll be hearing this term quite
23 often tonight -- the RI and the FS, Feasibility
24 Study and Remedial Investigation.

25 It's a long-term study to identify the

1 major extent of the contamination of the site. And
2 based on results of the RI, the FS is then
3 evaluated, looking at the alternatives that are
4 going to address the contamination.

5 Quite often, the Potential Responsible
6 Parties -- those are the people who are partly
7 responsible for contaminating the site. When they
8 are identified, they often offer to fund the
9 Remedial Investigation and the Feasibility Study.
10 And all this work is overseen, of course, by EPA.

11 After the public -- as we're going to do
12 tonight -- after you have a chance to comment on the
13 remedies that will be presented, EPA comes up with a
14 Record of Decision; and that's the final
15 determination of how the site will be cleaned up.

16 That's exactly where we are tonight. We
17 will pose four alternatives and the EPA's
18 recommended alternative.

19 Anytime during this process EPA can
20 conduct an emergency response action. That is,
21 going out to the site and removing materials that
22 are posing a more hazardous threat to either health
23 or the environment.

24 So, that is the basic Superfund process in
25 a nutshell. I've covered several years in just a

1 few minutes here.

2 The fine details, like I say, up to this
3 point with the recommended alternative, will be with
4 Mary Elaine Gustafson.

5 And I'll also mention that we have our
6 site attorney, Mr. Tom Nash. He's not going to give
7 a formal presentation, but he is available tonight
8 for any legal questions pertaining to it.

9 So, I have nothing else. If Mary Elaine
10 is ready -- okay. Jim will be going first?

11 Jim, again, is with the Indiana Department
12 of Environmental Management, and he's the State
13 Project Manager.

14
15 JIM SMITH:

16 Good evening, ladies and gentlemen.

17 As Dave said, I am the Project Manager for
18 the State of Indiana's Department of Environmental
19 Mangement.

20 In this role, I play a complementary role
21 to Mary Elaine Gustafson for the U.S. EPA. The
22 various duties and responsibilities associated with
23 that depend on the particular site and whether the
24 State is the lead agency in the investigation that
25 we are doing or the EPA is the lead agency in this

1 investigation.

2 My comments tonight are to outline very
3 briefly the role of the Indiana Department of
4 Environmental Management at the Himco Dump Superfund
5 site.

6 Before I get into the details of that, I
7 would also like to introduce a couple of members of
8 the Technical Support staff of the Indiana
9 Department of Environmental Management.

10 There are two chemists here tonight. One
11 of them, Miss Margie Thomas, is intimately involved
12 in this site and has been commenting on all the
13 documents and things that I'll very briefly touch on
14 tonight.

15 The other one is Fran -- she's got a last
16 name; I don't know it.

17
18 FRAN METCALF:

19 Metcalf.

20
21 JIM SMITH:

22 Metcalf. Sorry, Fran.

23 Anyway, the Indiana Department of
24 Environmental Management is a rather young State
25 agency. We were founded in 1986. We are an

1 offshoot of what was the Indiana State Board of
2 Health. The involvement of the State of Indiana
3 began in the early 70s with the State Board of
4 Health.

5 I'm not going to go over the history of
6 that in any detail because it is in the proposed
7 plan. It is briefly mentioned in the Fact Sheet.
8 And it goes into great detail in both the Remedial
9 Investigation Report and the Feasibility Study, both
10 of which are in the repositories.

11 But basically, after the Himco Dump was
12 proposed for listing on the National Priorities
13 List, and after the initial request that PRPs fund
14 the study met with failure, the Indiana State
15 Department of Environmental Management petitioned
16 the U.S. EPA in June of 1989 to initiate a Remedial
17 Investigation/Feasibility Study of the Himco Dump.

18 EPA proceeded with that Remedial
19 Investigation. The Department of Environmental
20 Management was awarded through the EPA a Management
21 Assistant Grant which was initiated in October of
22 1989.

23 This grant paid for IDEM, or Department of
24 Environmental Management, staff hours and
25 expenditures on the Himco Dump site.

1 And our role at this site is supportive of
2 the U.S. EPA. The roles -- the duties of the role
3 of the Agency are spelled out in a Superfund
4 Memorandum of Understanding which was worked out
5 between the State of Indiana and the U.S. EPA.

6 But basically, our role at the Himco Dump
7 site has been one of support to the actions and
8 activities of the Remedial Investigation by the U.S.
9 EPA.

10 In this role, the Project Managers and the
11 Technical Support staff coordinate, review and
12 provide technical comments and suggestions on all
13 documents related to and all work related to the
14 Remedial Investigation and Feasibility Study that
15 has been conducted at the site.

16 The documents that we have had input on at
17 this point is one of the definitions of scope of
18 work to be included in the Investigation, the Study.

19 We've actually reviewed, commented on and
20 helped develop work plans and associated supportive
21 documents, like Health and Safety Plans, Quality
22 Assurance Plans, Field Sampling and Analysis Plans.

23 We also have very frequent contact with
24 the U.S. EPA, primarily through their Remedial
25 Project Manager, to discuss any problems that the

1 Agencies have or to provide input and suggestions on
2 how to resolve various problems as they come up.

3 As Project Manager with IDEM, I coordinate
4 these various review activities not only among
5 various agencies within the IDEM, like our Office of
6 Solid and Hazardous Waste, the Office of Air
7 Management, the Office of Water Management or
8 whatever agency, but also coordinate, review, and
9 solicit comments and things to help us come up with
10 the best solution to problems to present to EPA to
11 incorporate into the various documents.

12 With the State Department of Health and
13 with other State agencies -- the Department of
14 Natural Resources are two that come to mind right
15 off.

16 The State also as part of the process here
17 submitted to the U.S. EPA a list of applicable State
18 rules and regulations that apply to the clean-up
19 alternative or that apply to the investigation that
20 must be considered to protect the state environment
21 and health and to comply with the rules and
22 regulations of the State of Indiana.

23 We at this point have reviewed on all of
24 the documents, approved and support EPA's decision
25 on all the documents that have been placed in the

1 repository. And we do support the proposed plan
2 that EPA has or is going to present here to you
3 tonight.

4 In the future after the meeting tonight,
5 the public comments will be reviewed. If there are
6 comments here, we will coordinate the review of
7 those comments and support EPA's efforts in
8 responding to all those comments.

9 Once those comments have been put
10 together, the EPA will put together a Draft Record
11 of Decision. That will be transmitted to the State.

12 We will review that decision, and then we
13 will go to our Commissioner and request that a
14 Letter of Concurrence or Non-concurrence be
15 submitted to the U.S. EPA.

16 And after that decision is put in place, a
17 Record of Decision, whether it implements tonight's
18 plan or a different plan based on addressing of
19 comments, we will then be involved in negotiations
20 to try to get the remedy implemented.

21 Those negotiations will include the
22 Project Manager for the site, our Office of Legal
23 Counsel internally, also the State Attorney
24 General's Office. And also for the State, Natural
25 Resource trustees will be involved in these

1 negotiations.

2 For Indiana, there are two Natural
3 Resource trustees. Those trustees are appointed by
4 the governor. One is in the Department of Natural
5 Resources; one is in the Department of Environmental
6 Management.

7 So, this team of negotiators will work
8 with the EPA in trying to negotiate with Potentially
9 Responsible Parties to get the remedy implemented.
10 And also to recover funds that the Agency, the
11 State, has expended that were not covered by the
12 Management Assistant Grant that we have from the
13 U.S. EPA.

14 Once the negotiations are done, we will be
15 involved in the review and implementation of the
16 design and the actual implementation of the selected
17 remedy for the site.

18 Once that's done, the long-term monitoring
19 program which is being proposed as part of the
20 remedy, we will work with EPA and help with the
21 monitoring.

22 Any reviews that take place on the site,
23 the State will be involved in and work with EPA on
24 that site.

25 And basically, once the site has been

1 completely remediated, the reviews show that there
2 is no further endangerment to the environment or the
3 public from releases from the Himco Dump site, the
4 State will work with EPA to try to de-list the site
5 from the National Priorities List.

6 Basically, very quickly and very briefly,
7 that is the role that the State Department of
8 Environmental Management has played and will play in
9 the Remedial Investigation/Feasibility Study in the
10 addressing of the environmental and health-related
11 concerns of the Himco Dump.

12 Once again in closing I would like to
13 state that at this time, based on the information
14 that we have, the data that we have reviewed, the
15 Indiana Department of Environmental Management
16 supports the proposed remedy or proposed plan that
17 EPA is going to present tonight.

18
19 DAVE NOVAK:

20 Do you have any questions of the State?

21
22 (No response.)

23
24 DAVE NOVAK:

25 Mary Elaine Gustafson. She's the Project

1 Manager from U.S. EPA.

2 MARY ELAINE GUSTAFSON:

3 Good evening, everyone. Thank you all for
4 coming. As Dave said, my name is Mary Elaine
5 Gustafson.

6 Before I start in my presentation, I do
7 have a couple of things that I would like to share
8 with you.

9 You will be hearing me repeat some of the
10 things that Dave has already said, but bear with me
11 because I think repetition only helps. I'll try not
12 to make it too boring.

13 Many of you I do not know, and I would
14 appreciate it after we're through here tonight if
15 you would come up and introduce yourselves to me and
16 let me know who you are. I'd like that very much.

17 I would even prefer to give this
18 presentation down there among you. I don't like to
19 be isolated up here, but because of the room I don't
20 have any choice.

21 The last thing I want to tell you before I
22 get started is that I want to reiterate once again
23 what Dave said. We will have a question and answer
24 period. I can answer your questions as I go along.
25 When I'm finished with my presentation, there will

1 be a question and answer period.

2 I want you to be sure you keep in mind
3 that that is a totally separate session from the
4 comments. When we're through with all the questions
5 and we have answered them to the best of our
6 ability, we will accept your comments. No questions
7 at that time. Only comments to go into the record
8 that we will respond to in the Response Summary.

9 Afterwards, if you do still have
10 questions, we will be glad to try and answer them
11 for you at the completion of the comment period.

12 Okay. Let us begin.

13 What I'm going to do tonight is present
14 you with a very brief history of the site, review
15 the results of the Remedial Investigation, present
16 to you the alternatives that we have considered, and
17 present U.S. EPA and the Indiana Department of
18 Environmental Management's preferred alternative.

19 I will try to keep this very brief.

20 The site is located in Elkhart, as you all
21 know, in north central Indiana.

22 (Presentation conducted with
23 use of overhead projector.)

24 This is the Himco site up here. This is
25 the Nappanee Street Extension and County Road 10,

1 also called Bristol.

2 The St. Joseph River runs east/west
3 through the town. The airport is up here at the
4 north.

5 A more detailed map shows -- the heavy
6 line is the boundary of the site. And it covers
7 approximately a hundred acres.

8 The dotted line shows the boundary of the
9 landfill which is approximately 58 acres.

10 This area down in here is the area that we
11 call the "construction debris area." And when I
12 speak of the "construction debris area" as I go
13 along, this is the section I'm talking about.

14 This pond -- this L-shaped pond -- is
15 called the L-shaped pond. Here's a small pond and
16 the quarry pond.

17 In this area -- this overhead doesn't show
18 it, but there is a small wetland in this area.

19 The landfill -- or the "construction
20 debris area" has small piles of rubble, concrete,
21 asphalt and metal.

22 The site was in operation from 1960
23 through September of 1976 as a landfill. It
24 accepted demolition and construction debris,
25 household refuse, industrial and hospital waste, and

1 calcium sulphate.

2 Early in 1974, residents along County Road
3 10 complained of the color, odor and taste of their
4 water. The State sampled the water and found out
5 that it was contaminated with high levels of
6 manganese which was believed to have come from the
7 site.

8 As a result of this contamination, Himco
9 Waste-Away replaced the shallow wells of those
10 people along County Road 10 with deeper wells.

11 In 1976 the landfill was closed and
12 covered with approximately a foot of sand over the
13 calcium sulphate layer.

14 In late 1990, high levels of sodium were
15 discovered in the wells. And although the
16 concentrations did not exceed enforceable levels,
17 they still presented a chronic health threat to the
18 affected residents. And those people once again
19 along County Road 10 were supplied water service
20 through the municipal water supply, and Himco and
21 Miles Labs agreed to finance the connection.

22 The site was proposed for the National
23 Priorities List in 1988 and became final in 1990.

24 And our Remedial Investigation and a
25 Feasibility Study was conducted between 1989 and

1 1992. Once again, the Remedial Investigation is an
2 investigation where we go out and take samples of
3 different media and examine it to see what it tells
4 us.

5 And the Feasibility Study takes the data
6 and develops it into -- or develops alternatives
7 through technologies to address the problem that we
8 find at the site through the Remedial Investigation.

9 On this overhead you will see at this
10 point there is a "hot spot." A "hot spot" is a
11 concentration of highly contaminated material.

12 During the RI we discovered the "hot
13 spot." And in May of 1992 U.S. EPA went in and
14 conducted an emergency removal and excavated
15 seventy-one 55-gallon drums and volatile chemicals.

16 When the "hot spot" was discovered, there
17 was 48 percent tolulene product in the test pit that
18 was excavated.

19 This has "Extent of Contamination" at the
20 top, in case you can't read it.

21 During the RI, as I said, our goal was to
22 take samples to determine what the problem was. We
23 sampled and analyzed surface and sub-surface soils,
24 leachate, surface water and sediment, groundwater,
25 air. And we conducted geophysical surveys.

1 As part of the RI we also conducted a Risk
2 Assessment to look at the effects that the site has
3 on humans and the environment.

4 What we do is look at what we call
5 migration pathways. The migration pathways just are
6 ways in which the chemicals can get into the
7 environment and into humans.

8 The most important pathways that we looked
9 at are groundwater, soil and air.

10 The groundwater we looked at ingestion,
11 inhalation and dermal exposure.

12 The soil we looked at ingestion and
13 inhalation of volatile compounds and particulates in
14 the air.

15 And the air we also looked at inhalation
16 of volatiles and the air particulates.

17 The potential receptors of these
18 contaminants are, of course, humans and wildlife and
19 the environment.

20 The humans are the residents down-gradient
21 and those that use the site for recreational
22 purposes or activities.

23 What the RI told us is what our extent of
24 contamination is. We found that the principal
25 threats are in the leachate and the soil and the

1 "construction debris area."

2 In the leachate we found inorganics, or
3 compounds without carbons, and volatile compounds,
4 such as arsenic, toluene and ethylbenzene.

5 In the soil and "construction debris area"
6 we found semi-volatile organic compounds including
7 hydrocarbons.

8 The groundwater under the landfill
9 presents the greatest potential risk for cancer.
10 However, I really want to emphasize that because
11 nobody currently resides or works on this site,
12 there is no unacceptable risk for people currently.

13 The groundwater down-gradient of the site
14 is not contaminated above levels of concern.

15 What we did find through our Risk
16 Assessment is that there is a concern for
17 potential future uses of the site. If the site were
18 to be developed for, say, residential development
19 and people put in drinking water wells and those
20 wells intercepted the leachate, or the leachate got
21 into the wells and people started using that water,
22 that could result in a cancer rate of one person in
23 ten.

24 As a result of the study, we need to come
25 up with a Remedial Action. But before we can do

1 that, we have to have objectives.

2 So, based on contaminations that we found
3 at the site, we developed these objectives:

4 Prevent direct contact with
5 landfill contents and contaminated
6 soil through the "construction
7 debris area;"

8 Control the groundwater usage
9 in the vicinity of the site;

10 Minimize leaching of soil
11 contaminants into the ground-
12 water; and

13 Maintain the integrity of the
14 cap.

15 The cap, of course, is the cover over the
16 landfill.

17 As part of our process, we always look at
18 a "no action" alternative. We take -- we look at
19 the technologies in the Feasibility Study, and we
20 screen out those technologies that we don't believe
21 are feasible for this site.

22 We take the remaining technologies and we
23 develop them into remedial alternatives.

24 At every Superfund site we look at a "no
25 action" alternative so that we can compare the other

1 alternatives to it. The "no action" alternative
2 does nothing, has no cost associated with it,
3 provides no protection, and does not reduce risks at
4 all.

5 By the way, we did look at three other
6 alternatives including the "no action."

7 The second alternative consists of what we
8 call a single barrier, solid waste cap. It's just a
9 regular cover over the landfill. It also includes
10 collection and treatment of landfill gas, monitoring
11 the groundwater, and institutional control which
12 would include like fencing and deed restrictions.

13 The deed restrictions would restrict
14 present and future development of the site and
15 prevent use of the groundwater.

16 This alternative would cost about ten and
17 a half million dollars and would take approximately
18 four months to implement.

19 Alternative 3 is similar to Alternative 2
20 including the cap, the collection of the landfill
21 gas and the monitoring and everything else that
22 Alternative 2 has except that it adds a leachate
23 collection system.

24 The leachate collection system would
25 involve installation of approximately 680 wells.

1 And the system would include perpetual pumping and
2 treating and disposal at an off-site facility. So,
3 we would have to provide, or somebody would have to
4 provide operation and maintenance of this system
5 forever.

6 This alternative would cost approximately
7 \$27 million and take about 21 months to implement.

8 And I'm sure you all know by now our
9 preferred remedy is Alternative 4. There again,
10 this alternative is the same as Alternative 2 except
11 that on the cap it adds a synthetic liner. And we
12 call this a composite cap.

13 The reason for adding the liner, and
14 especially in view of the fact that we're not going
15 to collect the leachate, is because the liner -- the
16 synthetic liner will help reduce precipitation into
17 the landfill.

18 So, when it rains or snows, all that
19 moisture instead of going through into the waste
20 will run off the top of it.

21 In a minute my next slide shows you the
22 slope. By decreasing the precipitation into the
23 landfill, we greatly reduce the amount of leachate.
24 And by reducing the amount of leachate, we reduce
25 the contamination that could get into the

1 groundwater.

2

3 PAT RUMFELT:

4 Question.

5

6 MARY ELAINE GUSTAFSON:

7 Yes.

8

9 PAT RUMFELT:

10 My name is Pat Rumfelt. Is that going to
11 be just a big bald spot on top, or will you be able
12 to grow any vegetation?

13

14 MARY ELAINE GUSTAFSON:

15 Oh, absolutely, yes.

16

17 PAT RUMFELT:

18 Vegetation?

19

20 MARY ELAINE GUSTAFSON:

21 Absolutely. In fact -- I don't know if we
22 can do it, but we're going to attempt to try to grow
23 prairie grass similar to what's there now, if we
24 can. We have to do a study to determine if that
25 will work.

1 There's an awful lot of things that would
2 influence that.

3 This alternative is approximately \$11.8
4 million and would take about 15 months to implement.

5 The cap will look similar to this. This
6 is the landfill down here. There is 24 inches of
7 clay above the landfill.

8 You can see this heavy line would be where
9 the synthetic liner would go.

10 Then there is a six-inch sand drainage
11 layer. And above that is 18 inches of soil. And
12 the soil will support the vegetation.

13 This overhead shows where the gas
14 collection well system would be, and fencing. You
15 can see -- this is not drawn to scale, of course,
16 but there is a slope here that will grade the
17 landfill so everything will run off.

18 And this is to show you what the gas
19 system might look like. There is approximately 32
20 wells. It will be a grid system. And the gas would
21 be piped to a location for treatment. We would use
22 carbon to help control odor. That's very important.

23 And then if necessary -- which we don't
24 know yet -- a thermal oxidation process with a flare
25 stack to reduce methane could be installed.

1 As Dave mentioned, we do evaluate all our
2 alternatives against each other with the nine
3 criteria. Every Superfund site goes through this
4 evaluation, and these are the nine criteria.
5 Overall protection, of course, is the most important
6 one.

7 I'm not going to go through all of them,
8 but you all have them in your handout.

9 This next overhead is a copy of -- boy, I
10 bet you can't see this. Well, maybe you will.

11 This is a chart that we're trying an
12 experiment with. The evaluation process and writing
13 up the evaluation and presenting it to the public
14 has always been a very difficult concept to make the
15 public understand.

16 So, we are trying to develop an easier way
17 for people to see what the evaluation means. And
18 either on the back of your sheet, or you can tell us
19 afterwards, we really would like your opinion.

20 I have seen some charts like this, similar
21 to this, with smaller dots and circles. And maybe
22 that might make it a little bit easier to look at
23 and evaluate.

24 But at any rate this table we hope shows
25 you just by looking at it that Alternative 4, when

1 compared against the other alternatives to the nine
2 criteria, really provides the best balance and the
3 greatest overall rating of the other criteria. And
4 it's cost effective. Certainly, cost is not our
5 only criteria, but cost is considered.

6 As long as we can reduce the risk to the
7 public, that's our main objective.

8 Here again is another cost summary. This
9 shows that you get the best protection for the
10 dollar.

11 We believe that Alternative 4 reduces the
12 risk to the public and is a reasonable cost compared
13 to the other alternatives.

14 Alternative 2 is a good alternative and
15 also reduces risk. But we believe that the extra
16 synthetic liner will provide more security in
17 reducing the risk.

18 The monitoring program will be very
19 important because it will allow us to be sure that
20 the remedy is working. We want to make sure that
21 contamination is not getting into anybody's water.
22 And the monitoring program will allow us to do that.

23 One question I have never been to a public
24 meeting and not been asked is who's going to pay for
25 all this. It's expensive. Ten million dollars is a

1 lot of money.

2 We give the responsible parties for the
3 site the opportunity to implement their own remedy.
4 If they agree to do it, that's great. We negotiate
5 and they take over under our and the State of
6 Indiana's supervision.

7 If they don't, then we have a couple of
8 alternatives. We can either issue an order which
9 requires them to do the work, or we can do it
10 ourselves and then seek cost recovery through legal
11 actions.

12 And the last thing -- once again, this is
13 a little repetitious, but what comes next?

14 We are soliciting your comments tonight.
15 The public will have an opportunity to comment on
16 our preferred remedy and all the remedies through
17 the public comment period.

18 When the public comment period is over,
19 we'll look at the comments and write up a response
20 to them. Perhaps we'll change our decision. We
21 don't know yet until we see the comments.

22 Right now, this is our favorite
23 alternative.

24 We will prepare what we call a Record of
25 Decision. The Record of Decision, better known as

1 the "ROD," outlines everything in the site and gives
2 a very detailed description of the selected, at that
3 time, that alternative. That document is signed by
4 our Regional Administrator in Chicago. And will be
5 concurred with by the State, hopefully.

6 And at that time we will start negotiating
7 with our responsible parties. And 120 days after
8 that, hopefully, we will be ready to go.

9 After that time we prepare or the
10 responsible parties will prepare a design that will
11 lay out all the work that's to be done including the
12 monitoring program and any kind of pre-design or
13 additional sampling work that needs to be done.

14 After that -- that usually takes maybe
15 twelve months. And after that, then the remedial
16 action is begun.

17 That's all I have.

18
19 PAT RUMFELT:

20 I have a question.

21
22 MARY ELAINE GUSTAFSON:

23 Okay.

24
25 PAT RUMFELT:

1 Pat Rumfelt again. Is there any chance of
2 the responsible parties talking you into another
3 alternative or maybe back to doing nothing?
4

5 MARY ELAINE GUSTAFSON:

6 No.
7

8 PAT RUMFELT:

9 You're definitely going to do something?
10

11 MARY ELAINE GUSTAFSON:

12 Well, let me answer your question. If
13 anybody -- responsible parties or anybody -- comes
14 up with information that leads us to believe that
15 our alternative is not the right one and that there
16 is a better one, then we will certainly entertain
17 that.

18 We are not going to let anybody talk us
19 into anything. We have to use the data and the
20 facts to make our decision. And that's what our
21 decisions are made on -- the data.

22 And the data right now shows that we have
23 a potential future threat and that something has to
24 be done.

25 Does that answer your question?

1 PAT RUMFELT:

2 Yes.

3
4 UNIDENTIFIED SPEAKER:

5 Do you know how much leachate is being
6 produced?

7
8 MARY ELAINE GUSTAFSON:

9 Yes, I do. Let me see if I can remember
10 it. I think it was something -- well, I can find it
11 real quick. Five -- if you'll bear with me.

12
13 DAVE NOVAK:

14 While she's doing that, I'll just explain
15 something on the comments.

16 We will accept written comments tonight as
17 well as your spoken comments.

18
19 MEHDI GERAMINEGAD:

20 Can I answer that? We really don't know
21 how much leachate is generated. But we did a
22 numerical modeling of estimated leachate being
23 generated there. And if you're interested in that
24 value, we can give it to you.
25

1 UNIDENTIFIED SPEAKER:

2 I just don't understand how you can't make
3 it a part of the plan to take this leachate out and
4 expect to, you know -- you put the cap on. The cap
5 is -- most of these liners are only guaranteed by
6 the manufacturer for ten years.

7 So eventually, this thing -- Mother Nature
8 is going to take over. The liner is going to lose
9 its effectiveness and the water is going to start
10 leaking through and we'll have the leachate. If
11 it's there, it's not going to disappear. It may
12 take longer.

13 But I don't understand what -- why
14 something isn't being done with the leachate.

15
16 MARY ELAINE GUSTAFSON:

17 Well, at this time I really don't think
18 that with the remedy that we've proposed that the
19 leachate will be a threat. I think -- it's my
20 understanding that the liners are guaranteed for a
21 lot longer than ten years.

22
23 UNIDENTIFIED SPEAKER:

24 Well, the Elkhart County Landfill --
25 according to their data, that was in their spec that

1 the liner was only guaranteed for ten years.

2
3 MARY ELAINE GUSTAFSON:

4 Maybe they have a thin liner. I don't
5 know. I don't know what they have, so I can't
6 really say. Generally, the figure that we get is 30
7 years.

8
9 UNIDENTIFIED SPEAKER:

10 But what's going to happen after that 30
11 years? You're all done. So we start this all over
12 again if it starts seeping into the ground? I think
13 we're only delaying what you're going to have to do
14 anyway. And at that point it's going to cost even
15 more than what you're saying it's going to cost now.

16 The leachate -- it is still producing
17 leachate; is that correct?

18
19 MARY ELAINE GUSTAFSON:

20 Well, it is now. But when it's covered,
21 the generation of leachate is diminished
22 drastically. I don't -- do you have the report?
23 We've got the change in the estimate of the amount
24 of leachate that will be produced. And it's down to
25 -- I think it's .001 million gallons per year from

1 5.9 million gallons per year, or something like
2 that. It's .001. It's a big decrease.

3
4 UNIDENTIFIED SPEAKER:

5 So what happens on the integrity of this
6 liner and the cap? I mean, eventually, maybe 50
7 years down the road -- but then all this is going to
8 start over again.

9
10 MARY ELAINE GUSTAFSON:

11 Well, part of the responsibility for
12 operation and maintenance is not only to monitor the
13 groundwater but to continually watch the cap. And
14 if the cap does begin to break down, then it needs
15 to be repaired. And that's part of, as I say, the
16 operation and maintenance.

17
18 UNIDENTIFIED SPEAKER:

19 But that only goes for 30 years; is that
20 correct?

21
22 MARY ELAINE GUSTAFSON:

23 Well, the site will be de-listed after we
24 are sure that, or confident that, there is no
25 contamination.

1 We just don't feel that there is enough
2 threat to propose a remedy that is so much more
3 expensive because we don't believe that we can
4 justify it.

5
6 UNIDENTIFIED SPEAKER:

7 There is no like leachate -- where you
8 could do it maybe not on the huge scale that's
9 proposed in Alternative 3?

10
11 MARY ELAINE GUSTAFSON:

12 See, another thing with the leachate
13 collection system is that because the groundwater is
14 so high, we don't even know if it will work.

15 What could happen -- I don't know, but
16 what could happen is that -- just like these wells,
17 the 680 wells. That's a lot of wells.

18 First of all, all these wells are, I
19 think, 80 feet apart. And the leachate could get
20 into the groundwater before we can collect it into a
21 well. So, we could spend or require the PRPs to
22 spend all this money to put in the leachate
23 collection system and it might not work.

24 Because the water -- let me explain one
25 more time. The water, before we could trap it in a

1 collection well, could get into the groundwater and
2 we could totally miss it. So, our best bet is to
3 decrease the infiltration and monitor the
4 groundwater.

5 Now, if we find that the groundwater is
6 becoming contaminated -- we don't think it will, but
7 it could. If it does, our monitoring program will
8 let us know immediately. And then the -- at that
9 time another RI will have to be done to determine
10 what kind of -- or what remedy, if indeed one is
11 necessary, should be implemented.

12 I mean, we're not going to just walk away
13 and forget it. We are going to continue to watch
14 it. And we really believe that, from the
15 information we have today, that this is the best
16 cost-effective alternative that will provide the
17 greatest protection. Well, not the greatest. The
18 leachate collection system, if it works, will
19 provide protection also.

20 But we just don't know that it will work,
21 and that's because of the topography and the
22 geology, or the hydrogeology of the site.

23 As I said, that groundwater table is very
24 high. And we think that sometimes, seasonally, the
25 waste is sitting in the groundwater.

1 So, collection of the leachate really
2 won't solve the problem. But trying to -- I can't
3 say eliminate because you can never totally
4 eliminate precipitation, but we can diminish it
5 drastically. Drastically.

6 Yes?

7
8 PAT RUMFELT:

9 What about trapping the gases under this
10 huge cover? You're going to put it up, and you said
11 maybe you might install something to help -- what?
12 -- get rid of the methane gas?

13
14 MARY ELAINE GUSTAFSON:

15 Yes. If there is methane gas, then that
16 flare system will be installed.

17
18 PAT RUMFELT:

19 Because it's bad enough now.

20
21 MARY ELAINE GUSTAFSON:

22 Well, we will have a carbon treatment to
23 take care of the odor. Definitely. That's part of
24 the remedy.
25

1 PAT RUMFELT:

2 That's the only thing I'm concerned about.

3
4 MARY ELAINE GUSTAFSON:

5 The odor? Yeah, okay. The carbon
6 treatment is part of the remedy.

7 The gas flaring will only be done if it's
8 required. And the only way we will know that is to
9 sample the air emissions when it's installed.

10
11 PAT RUMFELT:

12 A flame? Are you going to have a flame
13 coming out?

14
15 MARY ELAINE GUSTAFSON:

16 Only if it's necessary. But we don't
17 know. That has to be tested at the time the gas
18 system is installed. If it's needed, it's part of
19 the remedy and it will have to be put in. If it's
20 not needed, then there's no point in putting it in.

21 However, the carbon treatment system is
22 part of the remedy, and that will be put in under
23 any circumstances. As the way the remedy stands
24 now.

25

1 DAVE NOVAK:

2 The gentleman in the striped shirt.

3
4 MARY ELAINE GUSTAFSON:

5 Yes, sir?

6
7 VIRLAN LOGSDON (phonetic):

8 My name is Virlan Logsdon. How deep are
9 the contaminants buried in the area where you're
10 concerned about leachates?

11
12 MARY ELAINE GUSTAFSON:

13 Do you know that? I don't know how deep
14 they are. I think it's in the proposed plan.

15
16 MEHDI GERAMINEGAD:

17 My name is Mehdi Geraminegad. I'm from
18 SEC Donohue. I'm contractor for EPA working on this
19 project.

20
21 UNIDENTIFIED SPEAKER:

22 I'm sorry; I'm not hearing you.

23
24 MARY ELAINE GUSTAFSON:

25 He's a contractor for EPA working on the

1 project.

2
3 MEHDI GERAMINEGAD:

4 The depth of waste is approximately about
5 -- it varies at different locations. But it's about
6 15, 14 to 24, 25 feet.

7
8 UNIDENTIFIED SPEAKER:

9 Now, the groundwater level is around seven
10 feet in that area which means if any water that
11 tends to fall in a general direction north or
12 northwest of this so-called dome will be flowing
13 through the contaminants and into the areas outside
14 the site south and southeast, by your description?

15
16 UNIDENTIFIED SPEAKER:

17 That's our property.

18
19 MARY ELAINE GUSTAFSON:

20 Okay. One of the things that I neglected
21 to tell you is that the groundwater is flowing
22 south-southeast. And to date we're not getting any
23 contamination above any kind of level off the site.
24 That's why we're going to monitor.

25 In addition, the cap will reduce

1 infiltration which will reduce the leachate, which
2 is where all the problem is.

3
4 UNIDENTIFIED SPEAKER:

5 It will only reduce it directly above.

6
7 MARY ELAINE GUSTAFSON:

8 That's right.

9
10 UNIDENTIFIED SPEAKER:

11 But the groundwater flows through and will
12 still pick up contaminants.

13
14 MARY ELAINE GUSTAFSON:

15 The groundwater moves very slowly. That's
16 why we're going to monitor. We can't go in and pump
17 and treat. We don't have any levels to treat to.

18 The groundwater off the site -- outside
19 the site -- is not contaminated above any level that
20 we could treat to. It's below our standards. So,
21 there would be nothing to treat. That's why we're
22 going to monitor.

23 If your property is south-southeast, I
24 assume that you are on municipal water?

1 UNIDENTIFIED SPEAKER:

2 Pardon me?

3
4 MARY ELAINE GUSTAFSON:

5 Are you on a municipal water supply?

6
7 UNIDENTIFIED SPEAKER:

8 No, I'm on a well.

9
10 MARY ELAINE GUSTAFSON:

11 You have your own well, okay. Your well,
12 if it's that close to the site, will probably be
13 part of the monitoring program. So, your water will
14 be monitored periodically to make sure it's safe.
15 Along with all the other wells in the monitoring
16 program.

17 There is nothing coming off the site above
18 any levels. There is no risk off the site right
19 now.

20
21 PAT RUMFELT:

22 You're saying for how many feet? Because
23 I know it's contaminated down at the 15-foot, the
24 20-foot, the 30-foot, and the 50-foot below the
25 ground.

1 If I would hook my garden hose up to an
2 old well that we have in our yard and if I would
3 hold it above the ground two feet, in just a few
4 minutes you would get a foam building up on the
5 ground. It looks like beer.

6
7 UNIDENTIFIED SPEAKER:

8 We have pictures of it.

9
10 PAT RUMFELT:

11 I have pictures of it. I could do it
12 again tomorrow.

13 So, the groundwater is already
14 contaminated. That's what I don't understand. It's
15 going to be that way for hundreds of years.

16
17 MARY ELAINE GUSTAFSON:

18 What I can tell you is that all the wells
19 in the vicinity -- drinking water wells -- are being
20 tested periodically.

21
22 PAT RUMFELT:

23 Well, we have city water now.

24
25 MARY ELAINE GUSTAFSON:

1 Well, that's why you have city water.
2 That water down there is contaminated. We can't go
3 and clean up all of Elkhart.

4
5 PAT RUMFELT:

6 No one said you should. But I don't
7 understand what you're saying that it's not
8 contaminated now.

9
10 MARY ELAINE GUSTAFSON:

11 Above a level --

12
13 PAT RUMFELT:

14 Above a certain amount of feet?

15
16 MARY ELAINE GUSTAFSON:

17 No. I'm saying it's not contaminated
18 above our standards. There is some contamination
19 down there, but all water has some contamination.

20
21 PAT RUMFELT:

22 Oh, come on. I've got documents that
23 listed at least 14 different chemicals in our water.

24
25 MARY ELAINE GUSTAFSON:

1 And that's why you -- are you very close
2 to the landfill?

3
4 PAT RUMFELT:

5 Am I ever. I'm on the "hot spot."
6

7 MARY ELAINE GUSTAFSON:

8 Okay. That's why you're on municipal
9 water.
10

11 PAT RUMFELT:

12 I know it. But you're trying to tell me
13 it's not contaminated? It's going to be for a long
14 time.
15

16 MARY ELAINE GUSTAFSON:

17 All I'm telling you is that the water off
18 the site has not shown any levels above standard
19 that we could treat.
20

21 Everybody who is near the landfill and is
22 drawing water from the aquifer does not have
23 contaminated water, and the data shows that.

24 Yes?
25

UNIDENTIFIED SPEAKER:

1 I would like to make a comment.

2
3 MARY ELAINE GUSTAFSON:

4 Well, we're not taking comments yet.
5 Could you hold it for just a little bit?
6

7 DAVE NOVAK:

8 We have a question from the lady in the
9 back here.
10

11 UNIDENTIFIED SPEAKER:

12 Yeah. You said that the contamination --
13 the tolulene was the reason for the "hot spot;"
14 correct? That was the chemical that was --
15

16 MARY ELAINE GUSTAFSON:

17 The chemical that was found during the RI
18 when the test pit was dug, yes.
19

20 UNIDENTIFIED SPEAKER:

21 And that's what made it the "hot spot?"
22

23 MARY ELAINE GUSTAFSON:

24 Yes.
25

1 UNIDENTIFIED SPEAKER:

2 Okay. Now, you said that 48 percent of
3 what was found in the test pit was tolulene. Okay?
4 Which is what comes from the leachate. But you're
5 telling us that the leachate is --

6
7 MARY ELAINE GUSTAFSON:

8 The leachate is very contaminated.

9
10 UNIDENTIFIED SPEAKER:

11 Right. That's why I don't understand why
12 something shouldn't be done or maybe attempted to be
13 done to control the leachate if it is 48 percent of
14 tolulene.

15
16 MARY ELAINE GUSTAFSON:

17 Okay. We are -- first of all, that
18 particular "hot spot" has been removed. We did do
19 the immediate removal this summer.

20 Let me tell you what we're doing. There
21 was one area of that product, and we took it out
22 from that particular area.

23 We are trying to do something. We are
24 going to cap the site which will greatly reduce the
25 infiltration.

1 UNIDENTIFIED SPEAKER:

2 Right. You don't have to repeat it. I
3 understand.

4
5 MARY ELAINE GUSTAFSON:

6 Okay. That's one of the things we're
7 going to do. We don't really believe that -- we're
8 not sure if pumping the leachate is going to work.
9 As I said, 680 wells perpetually pumped and treated
10 forever and ever and ever. It's a lot of
11 maintenance that may be done and won't work
12 because --

13
14 UNIDENTIFIED SPEAKER:

15 So, the leachate will never stop, no
16 matter how much you treat it?

17
18 MARY ELAINE GUSTAFSON:

19 We may not be able to capture it is what
20 I'm saying. We can put those wells in and because
21 of the hydrogeology of the site, we may not be able
22 to get it. Because the water table is so high,
23 before we get into the wells, it could just get into
24 the groundwater.
25

1 UNIDENTIFIED SPEAKER:

2 Do you know what would be used to treat
3 that? I mean, is it like oxygen added to it? Or
4 another kind of chemical to neutralize it? What
5 sort of treatment is it?
6

7 MARY ELAINE GUSTAFSON:

8 We do several different treatments for --
9 if we are going to treat it, we would have to look
10 at the chemicals in it to see what's in there
11 besides tolulene. But we use different things like
12 chemical particitation or something along those
13 lines. Maybe thermal. There's many different
14 treatments that are available now for treating
15 contaminated groundwater that are very effective.
16

17 UNIDENTIFIED SPEAKER:

18 Right. So, you don't feel it would be
19 feasible to maybe mark off a certain area and try to
20 find out what sort of chemical participation or
21 whatever might be able to neutralize the leachate
22 and then --
23

24 MARY ELAINE GUSTAFSON:

25 Okay. If we can't collect it, we can't

1 treat it. That's my whole point. We're not sure
2 that the collection system would collect it. We
3 don't know if we would be able to collect it in
4 those wells because you can't see what's going on
5 down there. We could miss it, even with that many
6 wells -- 680 wells. We could still miss the
7 leachate.

8 Coming up with a treatment to treat it is
9 not the problem. There are plenty of treatments
10 that would work.

11
12 UNIDENTIFIED SPEAKER:

13 All right. But don't you think it would
14 be better to treat what you can catch and maybe miss
15 a little than let it all go?

16
17 JIM SMITH:

18 Can I interject here?

19
20 MARY ELAINE GUSTAFSON:

21 Please.

22
23 JIM SMITH:

24 I think there's a little bit of confusion
25 that's presented here.

1 The 48 percent tolulene was found only in
2 one test pit. That test pit was dug where the "hot
3 spot" was identified. And we think a drum was
4 actually punctured and the product ran out of the
5 drum into the pit, and we collected that.

6 So, that one sample was leachate which we
7 feel was almost pure product from the drums that had
8 that high percentage of that. And several other
9 volatile chemicals, industrial solvents, if you
10 would.

11 The rest of the leachate didn't have that
12 type of percentage. It was, you know, higher than
13 anything found in the groundwater; but it was not
14 anywhere near those levels.

15 So, we are not talking about treating
16 leachate that has 48 percent tolulene over the
17 entire site. Those drums were removed. The product
18 that was floating on the groundwater table was
19 sucked off and removed.

20 So, we think we have got that product
21 removed. And that's not representative of the
22 entire leachate of the site. Okay?

23
24 UNIDENTIFIED SPEAKER:

25 What research did you do to determine the

1 extent of the migration? I live in another
2 Superfund site in Elkhart County, and they have done
3 soil borings to determine the extent of the TCE
4 pollution and have found that it has migrated.

5 What did you do in this case? Did
6 you do those?

7
8 MARY ELAINE GUSTAFSON:

9 Yeah. If you remember, I had this
10 overhead up that had the extent of the
11 contamination. If I can find it, I will put it back
12 up for you.

13
14 UNIDENTIFIED SPEAKER:

15 Well, when we had the original group of
16 you people here before, the assessment was then that
17 there was some plume that was going to the Bower
18 Street water.

19
20 MARY ELAINE GUSTAFSON:

21 That was a manganese plume or something, I
22 believe. We can't find any evidence of that.

23
24 PAT RUMFELT:

25 Well, I got documents.

1 MARY ELAINE GUSTAFSON:

2 Yeah. I mean now, today. We continually
3 sample wells, and we don't find any evidence of
4 that. I think USGS --

5
6 UNIDENTIFIED SPEAKER:

7 But are you going down different depths?

8
9 MARY ELAINE GUSTAFSON:

10 Yeah. We have taken surface and sub-
11 surface samples. We have nests of wells at
12 different levels. We have looked at the surface
13 water and the sediment.

14 We have looked at everything that you look
15 at when you do a study of this sort. And it's all
16 in the documents. I think our Remedial
17 Investigation has five volumes. All that data is in
18 there.

19
20 PAT RUMFELT:

21 Well, I have a weld shop right there in
22 that plume where it was reaching over to Bower
23 Street. I own a welding business, and it's -- all
24 those wells through there. Everybody that's pumping
25 water has contaminated wells. We've been buying

1 water for our weld shop for years.

2
3 UNIDENTIFIED SPEAKER:

4 Every two weeks.

5
6 PAT RUMFELT:

7 It's the same plume. I had a scientist
8 from Chicago test it years ago, and it was the same
9 plume. Same things were found in it.

10
11 MARY ELAINE GUSTAFSON:

12 I think you need to be sure to put that in
13 your comments. Please be sure to give us comments.

14
15 PAT RUMFELT:

16 USGS already recorded it. It's up at the
17 library.

18
19 MARY ELAINE GUSTAFSON:

20 We don't find any existence of that
21 anymore.

22
23 PAT RUMFELT:

24 You're not looking then.

25

1 MARY ELAINE GUSTAFSON:

2 Well, if there was a plume -- if, in fact,
3 USGS thought there was a plume, it's moved down. We
4 don't see anything coming off the site. There may
5 be other contamination in the area; but if it's not
6 coming off this site, we can't address it under this
7 particular plan with this site. It would have to be
8 addressed under a different project. And we can't
9 make PRPs for this site go out and clean up the
10 whole area if there's another source.

11 All we can do is look at this source, and
12 this is what we find. We've got all the data and
13 it's all in the repository. It's all there.

14
15 PAT RUMFELT:

16 Like I said, USGS did a report. It's in
17 the Elkhart Library. In the 80s that plume had
18 already reached Beardsley Street. So, it isn't
19 going away; it's traveling. Slow, but it's
20 traveling. And there's homes on top of that plume.

21 Have they shut that well field down?

22
23 MARY ELAINE GUSTAFSON:

24 That's not the spot. I really don't know
25 about the well fields.

1 PAT RUMFELT:

2 There's a big well.

3
4 MARY ELAINE GUSTAFSON:

5 Are you talking about the Main Street
6 well?

7
8 UNIDENTIFIED SPEAKER:

9 I do know they had it shut down for a
10 while.

11
12 MARY ELAINE GUSTAFSON:

13 I really don't know.

14
15 PAT RUMFELT:

16 Well, anyway, all I'm really interested in
17 is are you really honest to God going to do
18 something or are you just talking about it? And can
19 you be talked out of it? I hope not. We don't want
20 to have to breathe the methane gases five or ten
21 years down the road and go through this again.

22
23 MARY ELAINE GUSTAFSON:

24 As I said, we have the data that indicates
25 to us that something must be done.

1 PAT RUMFELT:

2 Well, I appreciate it if you do. I really
3 do.

4
5 MARY ELAINE GUSTAFSON:

6 And we will control the odor.

7
8 DAVE NOVAK:

9 Question from the lady --

10
11 UNIDENTIFIED SPEAKER:

12 Will you explain what you're talking about
13 in deed restrictions?

14
15 MARY ELAINE GUSTAFSON:

16 We are going to try to enforce deed
17 restrictions through fencing and prevention of the
18 landfill from being developed. Not being used for
19 residential or recreational.

20
21 UNIDENTIFIED SPEAKER:

22 You're talking about somebody that owns
23 the property now and wants to sell it? What kind of
24 deed restrictions are you going to have to put in
25 there?

1 MARY ELAINE GUSTAFSON:

2 That's a legal term for an attorney to
3 answer.

4
5 UNIDENTIFIED SPEAKER:

6 I think we need to know that. We can't
7 make a decision and give you a proper response to
8 what we feel if we don't know what you're planning
9 to put in the deed restrictions. Deed restrictions
10 don't mean a thing.

11
12 MARY ELAINE GUSTAFSON:

13 You're right. What we would like to do is
14 prevent development of the landfill.

15
16 UNIDENTIFIED SPEAKER:

17 How can you do that?

18
19 MARY ELAINE GUSTAFSON:

20 It's difficult.

21 Tom, can you help me out? Tom is my site
22 attorney.

23
24 TOM NASH:

25 I'm Mary Elaine's attorney on this site.

1 When you talk about deed restrictions, you want to
2 look at the objectives. If we are going to put a
3 cap on the landfill and if we are concerned about
4 the leachate under the landfill and don't see a
5 feasible alternative for treating or getting rid of
6 that leachate, then we have to make sure that,
7 number one, the integrity of the cap is maintained.
8 That came up earlier in some of the questions and
9 answers.

10 And it is the intention that the integrity
11 of that cap be maintained in perpetuity. That means
12 nobody digging holes in it and certainly not
13 drilling all through it, and the leachate will
14 probably remain contaminated.

15 So it's necessary, since there doesn't
16 seem to be any physical way to deal with this
17 problem, to deal with it in a legal fashion by
18 setting up some kind of enforceable deed
19 restrictions that would prevent the cap from being
20 destroyed or deteriorated and prevent the
21 development going on in such a way that would bring
22 people into contact with the contaminants and the
23 waste mass itself or the contaminants in the
24 leachate.

25 There are a number of legal vehicles

1 available for imposing that kind of deed
2 restriction. Easements are one. Covenants are
3 another. There are a variety of ways available.
4

5 UNIDENTIFIED SPEAKER:

6 Well, I'm just looking around this room;
7 and I can almost guarantee you that there will be
8 very few of us around in 30 years to make sure those
9 deed restrictions are still going to be enforced.
10

11 TOM NASH:

12 That's true. But it is possible to devise
13 legal mechanisms that can be put in force that will
14 insure that the property is not used in the way
15 you're trying to avoid having it used, even 30 or a
16 hundred or a couple hundred years down the road.
17

18 UNIDENTIFIED SPEAKER:

19 Well, I worked in an abstract company; and
20 I can guarantee you that it's not difficult to get
21 around a deed restriction.
22

23 DAVE NOVAK:

24 Do we have any other questions?

25 Yes?

1 UNIDENTIFIED SPEAKER:

2 I want to know if a landfill has applied
3 to bid on this job?
4

5 MARY ELAINE GUSTAFSON:

6 The way the process works is that when we,
7 after -- once again, after looking at the comments
8 and analyzing them, we develop what is called a
9 Record of Decision, or ROD, that specifies the
10 remedy.

11 And then we will work with the responsible
12 parties to try and reach a settlement so they will
13 do the work. If they do, they will hire their own
14 contractor. And we will oversee the work they do.
15

16 UNIDENTIFIED SPEAKER:

17 And ultimately who pays them?
18

19 MARY ELAINE GUSTAFSON:

20 The responsible parties. The whole group
21 of responsible parties.
22

23 DAVE NOVAK:

24 Part of that process is that we try to get
25 the responsible parties to pay up front. Like Mary

1 Elaine mentioned, if they don't, then legal action
2 is taken.

3 It's to the best interest of those
4 responsible parties to go along with the program
5 because if they're fined, the cost is triple. So,
6 they save in the onset by cooperating with us.

7
8 MARY ELAINE GUSTAFSON:

9 And in addition to that, the responsible
10 parties can always do it a lot cheaper than EPA can.
11 Despite the treble damages, if they go out and do
12 it, it's a lot less expensive than it would be for
13 us.

14
15 PAT RUMFELT:

16 Who's going to check to see that they do
17 put in two foot of clay?

18
19 MARY ELAINE GUSTAFSON:

20 Oh, we are and you betcha. You betcha we
21 are. We will have an oversight contractor all the
22 time. The State -- Jim?

23
24 JIM SMITH:

25 Part of the responsibility of the State

1 will be to insure that the design is implemented as
2 designed and the State will provide oversight and
3 support of U.S. EPA.
4

5 PAT RUMFELT:

6 Well, I hope you do a better job than you
7 did in the past because, I tell you the truth, I
8 think the State is about 75 percent guilty on this
9 one.
10

11 UNIDENTIFIED SPEAKER:

12 They had all the records.
13

14 PAT RUMFELT:

15 The State knew what was going on. It was
16 in the record. I saw the record.
17

18 DAVE NOVAK:

19 We have another question. The gentleman
20 here.
21

22 MARK FREEMAN:

23 My name is Mark Freeman. This has been a
24 nice meeting. Can you give us a date when this will
25 all begin? Can Miles or somebody else tie it up in

1 court?

2

3 MARY ELAINE GUSTAFSON:

4 I can answer that for you.

5

6 MARK FREEMAN:

7 I'd like to have a date or year because
8 you guys been dilly-dallying around for six years
9 now. I mean 26.

10

11 MARY ELAINE GUSTAFSON:

12 Okay. The Record of Decision will be
13 signed in September -- I'm sorry, in December. We
14 have 120 days to negotiate with the responsible
15 parties.

16 At that time if we get a settlement, we
17 have to enter it in the report. The Department of
18 Justice takes care of that. That takes about 45
19 days.

20 So, we're talking spring that the design
21 can be started. The design takes about a year. So
22 by early 1994, we should be out there actually
23 constructing.

24 You can't do it without a design. I mean,
25 if we stuck the PRPs out there --

1 MARK FREEMAN:

2 It took you guys 16 years to figure this
3 thing out.

4
5 MARY ELAINE GUSTAFSON:

6 If we send them out there without a
7 design, it won't get done right.

8
9 MARK FREEMAN:

10 You should have figured this out a long
11 time ago.

12
13 MARY ELAINE GUSTAFSON:

14 It's only been on the NPL since 1990. The
15 EPA has only been involved since 1989 when it was
16 proposed.

17
18 DAVE NOVAK:

19 The gentleman there in the back?

20
21 UNIDENTIFIED SPEAKER:

22 Yeah. Where will the earth come from?
23 Will it come from the site itself?

24
25 MARY ELAINE GUSTAFSON:

1 Well, I think -- I'm not an engineer, but
2 I think generally what happens is that we look for a
3 borrow site -- we call it borrow site -- in the
4 area. It's cheaper to transport. We can do that.
5 And cheaper to get.

6 If we can find clay in the area with
7 the proper permeability, we will do that.
8 Otherwise, we have to go out and look for it. It
9 has to be the right permeability in order for it to
10 deter the infiltration. That's the most important
11 thing.

12
13 UNIDENTIFIED SPEAKER:

14 I'm glad there's an opportunity, but then
15 there's all these problems.

16
17 MARY ELAINE GUSTAFSON:

18 Pardon?

19
20 UNIDENTIFIED SPEAKER:

21 I'm glad there's an opportunity, but then
22 there's all these problems.

23
24 DAVE NOVAK:

25 The gentleman in the back.

1 UNIDENTIFIED SPEAKER:

2 Do the EPA -- or do the State of Indiana's
3 Natural Resources trustees plan to do a natural
4 resource damage assessment on this area before they
5 enter into negotiation with the responsible parties?
6

7 MARY ELAINE GUSTAFSON:

8 Well, I think that's already been done.
9

10 JIM SMITH:

11 The Natural Resource trustees have been
12 examining the site the last couple of years, looking
13 into the potential natural resources that have been
14 damaged.

15 What the negotiation position will be are
16 failure of negotiations, what the assessment process
17 will be to determine natural resource damage. It's
18 unknown at this time.

19 They will be looking at wetlands. We are
20 going to try to implement replacement of the prairie
21 that has developed naturally on the site.

22 There are a lot of technical problems that
23 have to be resolved in establishing -- a prairie may
24 or may not be a possibility, but we are going to try
25 to get that implemented.

1 Whether there have been natural resource damages
2 that can be documented and supported in negotiations
3 in court will depend on how much damages will be
4 sought.

5 Whether the actual enactment of the
6 remediation will determine future damages will also
7 be looked into, and those damage claims will be
8 presented during negotiations.

9 What those will be, at this time I don't
10 know.

11
12 DAVE NOVAK:

13 The lady in the back?

14
15 UNIDENTIFIED SPEAKER:

16 There are two ponds that are located near
17 the site -- the L-shaped pond and the small pond.
18 And there are fish that live in there.

19 I was wondering if anybody had ever
20 studied the fish or if they think it would be a good
21 idea to study the fish to see what type of problems
22 they have or, you know --

23
24 MARY ELAINE GUSTAFSON:

25 We did -- I don't believe we studied the

1 fish, but we did take surface water -- that's called
2 surface water -- and sediment samples from those
3 ponds. And there was no contamination above
4 standard.

5
6 PAT RUMFELT:

7 Well, someone told me that the L-pond was
8 dead. But I don't understand that because, to tell
9 you the truth, I myself saw some bass about two foot
10 long.

11
12 MARY ELAINE GUSTAFSON:

13 I did, too.

14
15 PAT RUMFELT:

16 And they followed me around the pond.

17
18 MARY ELAINE GUSTAFSON:

19 The data shows that those ponds -- that
20 surface water is not contaminated.

21
22 PAT RUMFELT:

23 I know. But someone else -- a scientist
24 said it was dead.

25

1 MARY ELAINE GUSTAFSON:

2 Well, there's no contamination above
3 levels.

4
5 DAVE NOVAK:

6 We'll have a few more questions and then
7 we'll go to comments.

8
9 UNIDENTIFIED SPEAKER:

10 Are the responsible parties required
11 within that 120-day period to reach some sort of
12 agreement, or can they get an extension of some
13 sort?

14
15 MARY ELAINE GUSTAFSON:

16 No. I've been working with a PRP list
17 since earlier this spring, and the responsible
18 parties are well aware of what we're doing, where
19 we're going and what our time schedule is.

20 By the time we're ready to start
21 negotiations, there should be no reason for any
22 delays. This is a straightforward site. And we are
23 not inclined to give extensions unless there is a
24 real good reason.

25 And at this point we don't believe we have

1 a very good reason for an extension or delaying this
2 any longer. We just want to get through and get out
3 there and start working.

4
5 DAVE NOVAK:

6 The lady in the stripes? You have a
7 question? Any more questions?

8
9 UNIDENTIFIED SPEAKER:

10 I have just one more. When we bought our
11 home, we were not informed the Himco Dump site was a
12 Superfund site. And Karen Martin -- I don't know if
13 you know her. She had mentioned to us that there
14 had been a law that went into effect that the seller
15 has to inform future buyers that this is a Superfund
16 site. Is that correct?

17
18 DAVE NOVAK:

19 I believe the law is correct. I don't
20 know when it was enacted.

21 Perhaps you can shed some light on that.

22
23 JIM SMITH:

24 I don't know when the law was enacted. I
25 can find out for you if you give me your name and

1 address.

2 But there's an act in Indiana that's
3 called the RPTA Act. It's called the Responsible
4 Party to Transfer Act. And any party who is selling
5 a property that has contamination on that property
6 has to register -- fill out a formal document --
7 that that property is, in fact -- does have this
8 environmental problem with it.

9 That form has to be submitted to the
10 Indiana Department of Environmental Management.
11 Failure to do that is in violation of that law.

12 The law is primarily associated with
13 commercial properties that have various types of
14 businesses that result in known contamination.

15 The fact that a Superfund site was
16 adjacent to the property but is not part of the
17 property may not require that that law be enacted.
18 I don't really know.

19
20 UNIDENTIFIED SPEAKER:

21 If it does require that, would that be
22 until the IDEM de-listed that Superfund site?

23
24 JIM SMITH:

25 I think as long as any kind of

1 environmental contamination exists on that property,
2 that law is valid.

3
4 UNIDENTIFIED SPEAKER:

5 Are you saying that Alternative 4 is the
6 best alternative or is the alternative?

7
8 MARY ELAINE GUSTAFSON:

9 Oh, no. We have not selected an
10 alternative yet. That's why we have a public
11 comment period. That's our preferred alternative of
12 all of them.

13 We solicit comments from the community and
14 the public. We will look at those comments and
15 determine whether or not we still believe that we
16 should continue with our preferred alternative.

17
18 UNIDENTIFIED SPEAKER:

19 Just for the record, why is it your
20 preferred alternative?

21
22 MARY ELAINE GUSTAFSON:

23 Because we believe it provides the best
24 reduction in risk and is cost effective of all the
25 alternatives that we looked at.

1 PAT RUMFELT:

2 And what is 1?

3
4 MARY ELAINE GUSTAFSON:

5 No action.

6
7 PAT RUMFELT:

8 What was the number 1 alternative?

9
10 MARY ELAINE GUSTAFSON:

11 No action.

12
13 PAT RUMFELT:

14 Okay. Two?

15
16 MARY ELAINE GUSTAFSON:

17 Two was the same as our preferred remedy
18 except that it had a solid cap, not a composite cap.

19
20 PAT RUMFELT:

21 You didn't have the --

22
23 MARY ELAINE GUSTAFSON:

24 No liner.

25

1 PAT RUMFELT:

2 No liner?

3
4 MARY ELAINE GUSTAFSON:

5 That's the only difference. That
6 synthetic liner was not included in Alternative 2.

7
8 PAT RUMFELT:

9 They're liable to talk you into that one.
10 I'm betting you.

11
12 MARY ELAINE GUSTAFSON:

13 You have to understand. Nobody is going
14 to talk us into anything.

15
16 PAT RUMFELT:

17 They better not.

18
19 MARY ELAINE GUSTAFSON:

20 We have our data, and the data is what we
21 use to make our decision.

22
23 DAVE NOVAK:

24 One final question and then we'll get into
25 the official comments. This gentleman here?

1 UNIDENTIFIED SPEAKER:

2 The actual area that's involved in this
3 cover-up, is that --

4
5 MARY ELAINE GUSTAFSON:

6 Don't use the word "cover-up." It's a
7 cap.

8
9 UNIDENTIFIED SPEAKER:

10 It's certainly not a clean-up. I can only
11 call it a cover-up.

12 Is it the area on your map that was
13 primarily designated as a "construction debris
14 area?"

15
16 MARY ELAINE GUSTAFSON:

17 No.

18
19 UNIDENTIFIED SPEAKER:

20 Or is it the entire site?

21
22 MARY ELAINE GUSTAFSON:

23 The part -- or what we're proposing to cap
24 is the landfill and the "construction debris area."
25 It's in the dotted line, inside here. That's the

1 part that we're proposing to cap.

2
3 PAT RUMFELT:

4 How many acres did you say that was?

5
6 MARY ELAINE GUSTAFSON:

7 About 58.

8
9 PAT RUMFELT:

10 I thought the thing was a hundred acres.

11
12 MARY ELAINE GUSTAFSON:

13 The whole site is approximately a hundred
14 acres.

15
16 PAT RUMFELT:

17 Right.

18
19 MARY ELAINE GUSTAFSON:

20 But the land --

21
22 PAT RUMFELT:

23 Why are you only doing half of the site?

24
25 MARY ELAINE GUSTAFSON:

1 Well, no, no. This is where the waste
2 boundary is. This is where the waste was placed.
3 That's why this isn't contaminated up here. There
4 was no waste in it.

5
6 PAT RUMFELT:

7 I know where my house is on that map, and
8 I walked out onto that landfill and I know right
9 where the hospital waste was dumped. I picked it up
10 and took it to a lawyer.

11 So, if you're not going to get directly
12 behind my house, you didn't get the hospital waste.

13
14 DAVE NOVAK:

15 Let's get into the comments. If you have
16 a comment, we ask that you identify yourself again,
17 state your comment as a comment. It will not be
18 responded to this evening; but it will be taken
19 back, studied and considered with all the other
20 comments.

21 The comment period will go to the 29th of
22 this month. You're welcome to give them to us
23 tonight, either verbally or in writing, or in the
24 Fact Sheet. It has the information in the back, the
25 addresses where you can mail them.

1 If they come to me, I will compile them
2 and I will give them to Mary Elaine and they will be
3 considered along with all the other alternatives and
4 the preferred alternative this evening.

5 So, if you have any comments, please
6 identify yourself and state your comment.

7 I believe you had one?

8
9 UNIDENTIFIED SPEAKER:

10 I would like to make one comment. I'm not
11 on Indiana's side or EPA's side. It's just a sad
12 thing that's happening out there. This gentleman is
13 right about the water table. It's so low out there.

14 And when they were putting that -- oh, I
15 would say 70 or 80 percent of that, they were
16 dumping directly in the water there. And all the
17 slips told them they shouldn't have been doing that.
18 On the monthly slips, the inspection slips. But
19 they went right ahead and done it, and now you have
20 a problem.

21 I do know, and my comment on this is -- I
22 think you're on the right track as far as sealing
23 this plume because we get this ungodly smell from
24 about this time of year until late spring. In the
25 summer it's almost dead. You don't get much smell

1 because it's quite dry.

2 But as soon as that water starts going in
3 that dumb thing from the snow and the rain and
4 everything else, it stinks from now to kingdom come
5 all winter. We drive right by it, and it comes
6 right in your car.

7 I think by sealing the dumb thing you will
8 be doing some good. I don't know what it's going to
9 do down in the future. At least, get the water out
10 of the damn thing.

11
12 DAVE NOVAK:

13 Your comments don't have to be
14 specifically your own remedy. If you like our
15 remedies, fine. You're welcome to comment on them
16 as well.

17 We have a gentleman over here.

18
19 LENNIE SCOTT:

20 Good evening. My name is Lennie Scott,
21 and I'm an environmental engineer and the senior
22 environmental manager for Miles here in Elkhart.

23 I have been working in the environmental
24 field for approximately 15 years. And I have been
25 asked by Miles to make some general comments about

1 the Himco site.

2 We are here tonight because of Miles'
3 commitment to comprehensive environmental protection
4 and for a clean and safe environment in Elkhart.

5 I would like to thank U.S. EPA for
6 allowing us this opportunity to comment at this
7 public meeting.

8 Just last week we received a copy of the
9 Remedial Investigation report and the Feasibility
10 Study, or the RI/FS, for the Himco site and
11 therefore have had only a few days to preliminarily
12 review EPA's findings and discuss them with our
13 independent environmental consultant.

14 In the near future Miles will be
15 submitting detailed written comments to EPA.
16 However, we feel it is important at this time for
17 EPA and the citizens of Elkhart to know Miles'
18 general position regarding the Himco site.

19 First, let me briefly summarize the
20 background of the Himco landfill. The Himco
21 landfill, located on County Road 10, opened in 1960
22 and was operated until September, 1976.

23 Waste was transported to the site
24 throughout this period. The landfill was used by
25 hundreds of local industrial and commercial

1 businesses throughout Elkhart as a primary location
2 for disposing of their wastes.

3 The waste shipped to the landfill varied
4 very widely, but included household and commercial
5 refuse and industrial waste.

6 Miles' waste shipped to the landfill
7 included primarily calcium sulphate, which is a
8 non-hazardous chalky material, and various office
9 and industrial wastes.

10 Back in 1984 the EPA conducted an
11 inspection to determine if the landfill should be
12 placed on the National Priorities List. In other
13 words, whether it should be designated a Superfund
14 site.

15 This process involved the scoring of the
16 site based on the EPA's Hazardous Ranking System
17 which assesses the risk a site may pose to human
18 health and the environment.

19 Based on EPA's scoring which involved a
20 series of assumptions about the site, the site was
21 proposed for the NPL in 1988 and was officially
22 designated a Superfund site in February of 1990.

23 During this listing process, consultants
24 for Himco also assessed whether the landfill posed
25 any risks and determined that the site did not pose

1 any threat of concern.

2 Himco and its consultants urged EPA to
3 reconsider placing the site in the Superfund
4 category. We agreed with Himco's efforts because it
5 was clear that the site did not pose a current
6 threat to human health or the environment.

7 Unfortunately, the effort to oppose
8 listing the site on the NPL were unsuccessful.

9 As I stated earlier, Miles and its
10 independent environmental consultants have briefly
11 reviewed the EPA's RI and FS reports. These reports
12 are the result of a detailed extensive study of the
13 site.

14 Based upon our short review of both the RI
15 and FS, it is clear that these reports do not
16 support EPA's decision to remediate the site.

17 In fact, they confirm Miles' and Himco's
18 earlier conclusions that the site poses no risk to
19 human health or the environment and that no
20 Superfund remedy is necessary or appropriate.

21 EPA's reports indicate that this is the
22 case. For example, in the EPA's own words -- and I
23 quote -- "There appears to be no cause for concern
24 for any current uses of the site." End of quote.

25 Further, EPA's own analyses place risk

1 within an acceptable range. Also, EPA's reports
2 clearly state that the residents outside the
3 landfill area are not threatened.

4 Further, the EPA states -- and again I
5 quote -- "If home or commercial establishments south
6 of the landfill were to use groundwater in this area
7 in the future, the estimated site-related risks
8 associated with groundwater use are within
9 acceptable risk ranges." End of quote.

10 Despite its own conclusions regarding the
11 lack of any threat at the Himco site, the EPA has
12 decided that the proper remedy at the site is a
13 four-foot cap over the entire site at a cost of
14 nearly \$12 million.

15 EPA would also seek to have Miles and
16 other Elkhart businesses connected to this site fund
17 this elaborate remedy.

18 Miles and its environmental consultants
19 have concluded that the Himco site should not be
20 considered a Superfund site. We strongly believe
21 that the site should be removed from the Superfund
22 list because it poses no threat to human health or
23 the environment.

24 Based on the information now available, we
25 believe the site would not be listed on the NPL if

1 scored today. Thus, we believe EPA should consider
2 de-listing the site.

3 Let me be clear. Miles is willing and
4 prepared to pay its fair share of any necessary and
5 reasonable costs of remediating a site to the extent
6 the law requires. Miles has always had the utmost
7 concern for the environment and certainly is
8 concerned for the health of the people of Elkhart.

9 If this were a site where a substantial
10 threat existed, we would not be urging EPA to
11 reconsider its position.

12 However, given the conclusion of the EPA's
13 own reports, Miles did not see spending nearly \$12
14 million on EPA's proposed remedy as efficient or
15 necessary in light of the non-hazardous conditions
16 at the site.

17 In effect, EPA agrees in its reports that
18 there is no problem at the site. Certainly, this
19 concession is inconsistent with the extensive remedy
20 EPA has proposed.

21 We plan to further confer with our
22 environmental consultant and to supply more detail
23 on our position to both the EPA and the public after
24 we have had the opportunity to more fully review the
25 findings and conclusions as presented by the EPA

1 study.

2 Thank you.

3
4 DAVE NOVAK:

5 Thank you.

6
7 PAT RUMFELT:

8 I have to make a statement. Miles
9 Laboratories is lying. Miles Laboratories did not
10 only dump calcium sulphate. They dumped tons and
11 tons and tons for many, many, many years of every
12 single medicine that you manufactured. Whitehall
13 did it, too.

14 I went out and picked it up. I saw it for
15 many, many years. I begged somebody to sue me for
16 trespassing because I wanted to take these medicines
17 into a court in front of a judge. I wanted him to
18 see them. Mr. Beardsley got on the phone and begged
19 me not to.

20 Don't lie to these people. You dumped
21 tons for however many years that you dumped out
22 there at all. Every single medicine that you
23 manufactured was out there. Bottles, brand new.
24 Boxes, brand new. Skull and bones on the bottles.
25 Full.

1 Don't lie about it.

2
3 (Inaudible comments.)

4
5 DAVE NOVAK:

6 One at a time, please.

7
8 PAT RUMFELT:

9 Well, he's got my ire up because I don't
10 like these bald-faced lies.

11
12 UNIDENTIFIED SPEAKER:

13 And Mr. Beardsley thought that they were
14 using their -- darn it, I had the term -- their
15 crusher. And then, come to find out they weren't
16 even crushing the stuff. Anybody could pick it up.
17 They weren't even putting it through a crusher.

18
19 PAT RUMFELT:

20 Kids went back there and picked it up and
21 took it to school.

22
23 DAVE NOVAK:

24 The lady in the back.
25

1 UNIDENTIFIED SPEAKER:

2 Yeah. Is the man still here that made
3 that statement?
4

5 MARY ELAINE GUSTAFSON:

6 No questions, please. Only comments. You
7 can direct a question afterwards.
8

9 UNIDENTIFIED SPEAKER:

10 I would sort of like to direct this
11 statement to the gentleman who just made this last
12 statement. I think I see him sitting there.

13 First of all, I would also like to thank
14 the EPA for taking their time to do their study.
15 They've given great detail. This is the most
16 information I've ever seen on this site since we've
17 moved in there, and that's been three years ago.

18 And I do think that you are trying to help
19 us. I understand that.

20 I would like to say to the person that
21 wrote that letter, the author of that letter or
22 statement that the gentleman read -- if that person
23 would live in our house or near that site, he would
24 understand. He would consider it a threat.

25 When you turned the water on -- this is

1 before we had municipal water. When you would turn
2 the water on from the faucet, you could smell it.
3 Karen Martin stuck her nose down by the water and
4 jumped back. She went, "Ooh."

5 It tasted terrible. It made Kool-Aid
6 taste like it had carbonation in it. It was awful.

7 And I would like to tell him that I don't
8 appreciate him trying to diminish the seriousness or
9 hamper the efforts of the EPA based on dollar
10 figures for this stuff.

11 It's got to be harmful. The stuff that
12 was found -- the chemicals that were found in the
13 leachate were hazardous. The EPA submitted all the
14 studies that showed the leachate is getting into the
15 groundwater.

16 I'd like to say that it is hazardous and
17 it is serious. And I'd just like to thank you guys
18 and hope that they can't stop your efforts.

19
20 DAVE NOVAK:

21 Thank you.

22 Karen Martin, incidentally, is my
23 predecessor on the site. She's on another detail
24 right now. And she was doing this job before she
25 went on this detail.

1 Any other comments?

2

3 (No response.)

4

5 DAVE NOVAK:

6 We have no more comments. Do we have any
7 general questions before we conclude the meeting?

8

9 MARY ELAINE GUSTAFSON:

10 I'd like to say something. The comment
11 session is now concluded. I would like to make a
12 response to the gentleman's statement.

13 Everything he said is true. There is no
14 current problem. But EPA looked at future risks.
15 We don't only look at risks today. We look at the
16 future. And there is definitely a potential future
17 risk.

18 So, fear not. That site is not going to
19 be de-listed without something being done.

20

21 DAVE NOVAK:

22 Again, the comments will be going until
23 the 29th of the month. They must be postmarked by
24 that date. And the addresses are in the information
25 that we have out in front. And if we ran out of

1 information there, we do have it here, so you're
2 welcome to come and get it.

3 And the gentleman had a real quick
4 question?

5
6 UNIDENTIFIED SPEAKER:

7 If for any reason this cap would become
8 punctured due to time, would this recharge this
9 situation all back to where it is now?

10
11 MARY ELAINE GUSTAFSON:

12 A puncture, no, would not make that much
13 difference. THAT's why we have what we call
14 operation and maintenance. And we will continually
15 check what we call the integrity of the cap to be
16 sure that it's being upheld.

17 And if it needs repair, it's repaired.

18
19 UNIDENTIFIED SPEAKER:

20 How are you going to know that?

21
22 MARY ELAINE GUSTAFSON:

23 Because we check it. It's part of the
24 operation and maintenance.

25

1 UNIDENTIFIED SPEAKER:

2 It's under how much soil?

3
4 MARY ELAINE GUSTAFSON:

5 It's part of the operation and maintenance
6 plan that goes on for 30 years. And it's checked.

7
8 DAVE NOVAK:

9 Somehow, somebody will know.

10 Any other questions?

11
12 (No response.)

13
14 DAVE NOVAK:

15 We would like to thank you all for coming.
16 And we'll be around for a while yet if you still
17 have some individual questions you'd like to ask the
18 participants.

19 Thank you again.

20
21 (Whereupon, the meeting was
22 adjourned.)
23
24
25

1 STATE OF INDIANA)
2 PORTER COUNTY) SS:
3

4 C E R T I F I C A T E
5

6 I, M. Kay Dornburg, being a qualified and
7 competent court reporter, and a Notary Public in
8 and for the County of Porter, State of Indiana, do
9 hereby certify that heretofore, to-wit: on the 6th
10 day of October, A.D. 1992, at the City Council Chambers,
11 2nd floor, Municipal Buuilding, 229 South Second
12 Street, Elkhart, Indiana 46516, a public meeting
13 was held.

14 I further certify that the proceedings
15 were by me reduced to writing by means of shorthand,
16 and afterwards transcribed upon a typewriter, and
17 that the foregoing is a true and correct transcript
18 of the proceedings, as aforesaid.

19 IN TESTIMONY WHEREOF, I have hereunto set
20 my hand this 29th day of October,
21 A.D. 1992.

22
23 M. Kay Dornburg
24 M. Kay Dornburg,
25 Court Reporter and
Notary Public